

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA  
*ex rel.* EDMUND G. BROWN, JR., K  
ATTORNEY GENERAL OF THE STATE OF  
CALIFORNIA,

No. C 07-02055 JSW

Plaintiff,

v.

ENVIRONMENTAL PROTECTION  
AGENCY; NATIONAL HIGHWAY  
TRAFFIC SAFETY ADMINISTRATION;  
DEPARTMENT OF TRANSPORTATION;  
and OFFICE OF MANAGEMENT AND  
BUDGET,

Defendants.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION AND  
GRANTING IN PART AND  
DENYING IN PART MOTIONS  
FOR SUMMARY JUDGMENT**

The Court has reviewed Magistrate Judge James Larson's Supplemental Report and Recommendation regarding the parties' cross-motions for summary judgment ("Report"). There have been no objections filed. The Court finds the Report correct, well-reasoned and thorough, and adopts it in every respect. Accordingly, the cross-motions for summary judgment are GRANTED IN PART and DENIED IN PART in accordance with the terms of the Report and

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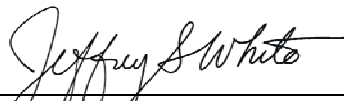
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1 Recommendation.

2 **IT IS SO ORDERED.**

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4 Dated: February 4, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE